

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEASTERN DIVISION**

TYRONE DEVOIL-EL,

Plaintiff,

vs.

DARRELL DALTON, et al.,

Defendants.

Case No. 1:05-CV-0061-LMB

ORDER

This matter is before the Court upon the remand of the Eighth Circuit Court of Appeals for the limited purpose of collecting the full \$255.00 filing and docketing fees from plaintiff. This Court previously denied plaintiff leave to proceed in forma pauperis on appeal pursuant to 28 U.S.C. § 1915(g). See Order of July 28, 2005, by Judge Henry Autrey (Doc. 15). On September 20, 2005, the Eighth Circuit entered its mandate, dismissing plaintiff's appeal for failure to prosecute because he did not pay the \$255.00 filing and docketing fees. See *Devoil-El v. Dalton*, No. 05-3231 (8th Cir.). Because plaintiff owes the full appellate fee regardless of the outcome of his appeal and cannot pay this fee through installment payments, the Court will order plaintiff to pay the full appellate fee within thirty days.

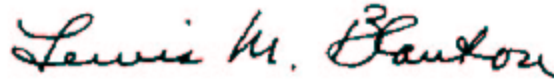
Accordingly,

IT IS HEREBY ORDERED that, within thirty (30) days from the date of this Order, plaintiff shall pay to this Court the full \$255 filing and docketing fees for filing an appeal. Plaintiff is instructed to make his remittance payable to "Clerk, United States District Court" and to include upon it: (1) his name; (2) his prison identification number; (3) the case number; and (4) that the

remittance is for the appeal of the instant action.

IT IS FURTHER ORDERED that plaintiff's motion for leave to proceed in forma pauperis [Doc. 19] be **DENIED** as moot.

Dated this 17th day of July, 2006.

A handwritten signature in black ink, reading "Lewis M. Stanton". The signature is written in a cursive style with a red horizontal line underneath it.

UNITED STATES MAGISTRATE JUDGE